

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference T01236-4-WO-2	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/CA2004/000648	International filing date (day/month/year) 30/04/2004	(Earliest) Priority Date (day/month/year) 30/04/2003
Applicant WARATAH PHARMACEUTICALS, INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 06 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☒ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

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Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:
- a. type of material
- ☒ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☒ in written format
- ☒ in computer readable form
- c. time of filing/furnishing
- ☒ contained in the international application as filed
- ☐ filed together with the international application in computer readable form
- ☒ furnished subsequently to this Authority for the purpose of search
2. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

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International Application No

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A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07K14/595 C07K14/50 A61K38/33 A61K38/18 C12N15/09
A01K67/027 A61P3/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07K A61K C12N A01K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, EMBASE, BIOSIS, PASCAL

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5 858 977 A (AUKERMAN SHARON LEA ET AL) 12 January 1999 (1999-01-12) the whole document	1-68
Y	WO 00/44400 A (RTP PHARMA INC ; GEN HOSPITAL CORP (US)) 3 August 2000 (2000-08-03) page 6, paragraph 4 page 8, paragraph 2 - page 9, line 2 page 25; table 1 claims 1-18 ----- -/--	1-68

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Z* document member of the same patent family

Date of the actual completion of the international search

29 September 2004

Date of mailing of the international search report

05/10/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl.
Fax: (+31-70) 340-3016

Authorized officer

Fayos, C

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International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	YAMAOKA T ET AL: "Development of pancreatic islets (review)." INTERNATIONAL JOURNAL OF MOLECULAR MEDICINE: MAR-1999; vol. 3, no. 3, March 1999 (1999-03), pages 247-261, XP009037276 ISSN: 1107-3756 abstract page 254, column 1, paragraph 3 page 254, column 2, paragraph 4 -----	1-68
Y	LOGSDON CRAIG D ET AL: "Adenoviral-mediated gene transfer of dominant negative ras inhibits pancreatic acinar cell growth responses to cholecystokinin and fibroblast growth factor" GASTROENTEROLOGY, vol. 112, no. 4 SUPPL., 1997, page A458, XP009037266 & DIGESTIVE DISEASE WEEK AND THE 97TH ANNUAL MEETING OF THE AMERICAN GASTROENTEROLOGICAL ASSOCIATION; WASHINGTON, D.C., USA; MAY 11-14, 1997 ISSN: 0016-5085 sentence 1 - sentence 3 -----	1-68

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International application No.
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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 23-28, 31-36, 40-62 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

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Information on patent family members

International Application No
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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5858977	A	12-01-1999	AU 681546 B2	28-08-1997
			AU 3708395 A	06-05-1996
			BG 101392 A	31-10-1997
			BR 9509269 A	23-12-1997
			EE 9700225 A	16-02-1998
			EP 0804479 A1	05-11-1997
			FI 971420 A	04-04-1997
			JP 10507193 T	14-07-1998
			NO 971566 A	14-04-1997
			SK 43197 A3	10-03-1999
			AT 237633 T	15-05-2003
			AU 2813399 A	22-07-1999
			AU 3707795 A	06-05-1996
			BG 63167 B1	31-05-2001
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			CA 2201940 A1	25-04-1996
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			CN 1168678 A	24-12-1997
			CZ 9700981 A3	11-11-1998
			CZ 9701050 A3	14-10-1998
			DE 69530403 D1	22-05-2003
			DE 69530403 T2	30-10-2003
			DK 785948 T3	04-08-2003
			EE 9700081 A	15-10-1997
			EP 0785948 A1	30-07-1997
			ES 2196082 T3	16-12-2003
			FI 971536 A	09-06-1997
			HU 78050 A2	28-07-1999
			HU 78058 A2	28-07-1999
			WO 9611949 A2	25-04-1996
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			JP 10507080 T	14-07-1998
			NO 971568 A	12-06-1997
			NZ 335109 A	25-08-2000
			PL 319784 A1	18-08-1997
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			PL 184188 B1	30-09-2002
			PT 785948 T	30-09-2003
			SI 785948 T1	31-08-2003
			SK 45597 A3	11-02-1999
			ZA 9508608 A	25-07-1996
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			AU 774746 B2	08-07-2004
			AU 1331900 A	18-08-2000
			CA 2326741 A1	03-08-2000
			CN 1308544 T	15-08-2001
			EP 1071447 A1	31-01-2001
			JP 2004506591 T	04-03-2004
			SE 0003508 A	21-11-2000
			US 2002081285 A1	27-06-2002
			WO 0044400 A1	03-08-2000
			US 2004037818 A1	26-02-2004